

REMARKS

Claims 27-42 were pending in the application when the Office Action was mailed. Claims 27-42 were rejected. Applicants have amended claim 42 and have not added or cancelled any claims. Accordingly, claims 27-42 remain pending.

Claims 27-29, 31, 32, and 36-41 were rejected under 35 U.S.C. § 102(e) over U.S. Publication No. 2003/0204625 ("Cain"). Claim 30 was rejected under 35 U.S.C. § 103(a) over Cain in view of U.S. Patent No. 6,987,764 ("Hsu"). Claims 33-35 were rejected under 35 U.S.C. § 103(a) over Cain in view of U.S. Publication No. 2003/0235175 ("Naghian"). Claim 42 was rejected under 35 U.S.C. § 103(a) over U.S. Patent Publication No. 2003/0182421 ("Faybishenko") in view of U.S. Publication No. 2003/0202476 ("Billhartz"). Applicants respectfully traverse these rejections.

A. Rejections Under § 102(e)

Claims 27-29, 31, 32, and 36-41 were rejected under 35 U.S.C. § 102(e) over Cain. Cain is directed to an ad-hoc network to perform reactive routing. This technique employs a clustering technique in which a cluster leader is identified for each cluster. Each cluster leader maintains a list of cluster leaders of adjacent clusters. Communications from a network node in one cluster to a network node in another cluster includes participation by the cluster leaders to identify routes. (Cain, 5:[0057]-[0060] and 6:[0062-0064].) One network node can then send messages to another network node via an identified route. (Cain, 6:[0067].) Thus, network nodes inherently trust the identified cluster leaders in Cain's technique before a routing circuit is established.

In contrast, applicants' claimed technology administers "a network of non-trusting computing devices," as claim 1 recites. In applicants' technology, network nodes do not trust each other before a circuit is established. The Office Action indicated that the recitation of "a network of non-trusting computing devices" in claim 1 has not been given patentable weight because the recitation occurs in the preamble. Applicants submit that

the following passages of the Manual of Patent Examining Procedure clearly indicate that the preamble of claim 1 should be given patentable weight:

[A] "preamble may provide context for claim construction, particularly, where...that preamble's statement of intended use forms the basis for distinguishing the prior art in the patent's prosecution history." *Metabolite Labs., Inc. v. Corp. of Am. Holdings*, 370 F.3d 1354, 1358-62, 71 USPQ2d 1081, 1084-87 (Fed. Cir. 2004).

See also *Catalina Mktg. Int'l v. Coolsavings.com, Inc.*, 289 F.3d at 808-09, 62 USPQ2d at 1785 ("[C]lear reliance on the preamble during prosecution to distinguish the claimed invention from the prior art transforms the preamble into a claim limitation because such reliance indicates use of the preamble to define, in part, the claimed invention....").

MPEP 2111.02 (II).

In view of the foregoing, applicants respectfully request that the Examiner reconsider and withdraw the rejections of claims 27-29, 31, 32, and 36-41.

B. Rejections Under § 103(a)

Dependent claims 30 and 33-35 were rejected over Cain in view of other references. However, as explained above, Cain does not teach or suggest all elements of the base independent claim. The Office Action points to nothing in the applied references as teaching or suggesting all limitations of the base independent claim. Accordingly, these claims are also allowable.

Claim 42 is rejected over Faybishenko in view of Billhartz. Faybishenko is directed to a decentralized network to establish identity and reputation information about network nodes and distribute the information throughout the network. Reputation information is used to determine whether a node should be trusted. (Faybishenko, 5:[0056]). Each node establishes a reputation threshold and denies transaction requests from nodes having a reputation falling below the threshold. (Faybishenko, 5:[0056]). A node may determine the reputation of another node before it interacts with the node by

requesting reputation information from other nodes in the network. (Faybishenko, 5:[0056]-[0057]). Faybishenko describes an "iterative process of refining a node's reputation" by requesting reputation information of one node followed by requesting reputation information of the responding nodes and so on. (Faybishenko, 4:[0054]). Therefore, nodes must either assume the trustworthiness of other nodes within the network to provide reliable reputation information about other nodes or assume the trust of the nodes with which they wish to interact.

Billhartz is directed to establishing quality of service routes in mobile ad-hoc networks. There is nothing in Billhartz teaching or suggesting "wherein the sending computing device and the recipient computing device can establish trust without consulting a third computing device," as claim 42 now recites.

Faybishenko also does not teach "wherein the sending computing device and the recipient computing device can establish trust without consulting a third computing device," as claim 42 now recites. In Faybishenko, trust is established by requesting reputation information from the network of nodes. Without consulting other nodes in the network, a node cannot reliably establish trust, and so trust must be assumed. Applicants' technology, on the other hand, allows two non-trusting nodes to establish trust without requiring other nodes in the network to provide trust related information. Thus, claim 42 is now patentable over the applied references.

C. Conclusion

The independent claims each recite a novel combination of elements that is neither taught nor suggested by the applied references and so cannot be rejected under 35 U.S.C. §§ 102 or 103. Because the dependent claims import the limitations from the claims from which they depend, they also cannot be rejected under these statutes.

Based on these remarks, applicants respectfully request early allowance of this application. If the Examiner has any questions or believes a telephone conference would

Application No. 10/542,824
Amendment dated

Docket No.: 391258002US1

expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-6478.

Dated:

Nov. 16, 2007

Respectfully submitted,

By


Rajiv P. Sarathy

Registration No.: 55,592

(206) 359-8000

(206) 359-7198 (Fax)

Attorneys for Applicant